

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Yoshiyuki FUKUMOTO, et al.

Docket No: Q78162

Appln. No.: 10/697,124

Group Art Unit: 2627

Confirmation No.: 8462

Examiner: Jefferson A. EVANS

Filed: October 31, 2003

For: MAGNETORESISTANCE DEVICE WITH A DIFFUSION BARRIER BETWEEN A CONDUCTOR AND A MAGNETORESISTANCE ELEMENT AND METHOD OF FABRICATING THE SAME

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Zongzhi ZHANG, "Annealing effect of magnetic tunnel junctions with one FeOx layer inserted at the Al₂O₃/CoFe interface", Appl. Phys. Lett., May 7, 2001, pp. 2911-2913, Vol. 78, No. 19, previously submitted in an Information Disclosure Statement filed April 1, 2004.

2. Japanese Patent Application Laid-Open Publication No. 2001-14843, published January 19, 2001.

3. U.S. Patent Application Publication No. 2002/0044396, published April 18, 2002.

One copy of each of the listed documents is submitted herewith, except for the reference indicated as previously submitted and the U.S. patent publication.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore Applicants are submitting the statutory fee of \$180.00 under 37 C.F.R. § 1.17(p) via EFS Payment Screen to Deposit Account No. 19-4880, and a Statement Under 37 C.F.R. § 1.97(e).

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicants enclose here with a copy of a Chinese Office Action dated October 12, 2007, issued in a corresponding Chinese application of related U.S. application no. 10/539,373, and a Japanese translation, from which an English translation was derived, of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

/Howard L. Bernstein/

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 2, 2008

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

Except as otherwise noted in the Information Disclosure Statement for the item cited in an earlier Information Disclosure Statement, that each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Howard L. Bernstein/

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